

## REMARKS/ARGUMENTS

This Amendment is responsive to the Office action dated October 13, 2005, setting forth a shortened three month statutory period for reply expiring on January 13, 2006. A petition for a three month extension of time and associated fee are filed herewith, extending the period for response up to and including April 13, 2006.

Claims 1-3 and 5, 6-9 and 10-19 were pending in the application, with claims 1, 6 and 10 being independent claims. In brief review, the Examiner rejected claims 10-19 based on a specification which is not enabled; rejected 1-3, 6 and 10-19 as anticipated, and rejected claims 5, 7-9 as obvious.

Reconsideration of the application and claims is respectfully requested.

## RESPONSE TO NON-ENABLEMENT REJECTION

The Examiner rejected claims 10-19 under 35 U.S.C. Section 112, first paragraph, as based on a disclosure which is not enabling. The Examiner states, "transistors M3, M6 and M8-M10 are deemed critical or essential to the practice of the invention but are not included in the claims." (Office Action, p. 2). This rejection is respectfully traversed.

The Examiner's basis for this argument is that "one skilled in the art would understand from the specification that these elements are required for the circuit to operate." (Office Action, p. 2) (emphasis added). However, the Examiner does not explain what part or passage of the specification would lead one of ordinary skill in the art to reach the conclusion that transistors M3, M6 and M8-M10 are essential. Nor does the Examiner provide any rationale why one skilled in the art would understand from the specification that these elements are allegedly required for the circuit to operate.

In contrast and as an example, the specification makes it clear that transistor M10 is not essential. Fig. 3 illustrates and the specification described an embodiment of the invention *without* the use of transistor M10 (shown in Fig. 2). Hence, a person of ordinary skill in the art would not conclude from the specification that M10 is essential.

For at least these reasons, it is respectfully requested that the Examiner withdraw this rejection.

RESPONSE TO CLAIM REJECTIONS UNDER 35 U.S.C. SECTION 102

The Examiner rejected claims 1-3 and 6 as anticipated by U.S. Patent application publication U.S. 2001/0022527 "Semi-conductor Device" in the name of Hosono, et al. (hereinafter the Hosono publication). This rejection is respectfully traversed.

Claims 1-3

Claim 1 as amended recites, in part, a "circuit for generating a reference current, comprising: a positive feedback loop coupled with a floating current mirror; and a negative feedback loop diverting current from the floating current mirror, wherein the circuit operates with a minimum supply voltage of approximately the sum of a transistor threshold voltage plus three drain saturation voltages." The Examiner interprets Fig. 1 of the Hosono publication as anticipating this claim, however, the Examiner does not state where in the Hosono publication is it disclosed that the Hosono circuit operates "with a minimum supply voltage of approximately the sum of a transistor threshold voltage plus three drain saturation voltages" as recited in claim 1.

The Examiner argues that Hosono inherently includes this limitation, however inherency requires that the feature necessarily is present in the reference. The fact that a certain result or characteristic *may* occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999).

For at least these reasons and without a showing that Hosono satisfies the limitations of claim 1, it is respectfully submitted that claim 1 and dependant claims 2-3 and 5 are allowable.

#### Claim 6

Claim 6 as amended recites, in part, a "method for providing a current reference, comprising: providing a current mirror circuit portion; providing a positive feedback loop portion coupled with the current mirror circuit portion; providing a negative feedback loop portion diverting current from the current mirror circuit portion; and operating the current reference with a minimum supply voltage of approximately the sum of a transistor threshold voltage plus three drain saturation voltages." The Examiner interprets Fig. 1 of the Hosono publication as anticipating this claim, however as argued above, the Examiner does not state where in the Hosono publication it is shown that the Hosono current reference operates "with a minimum supply voltage of approximately the sum of a transistor threshold voltage plus three drain saturation voltages" as recited in claim 6. For at least this reason, claim 6 and dependant claims 7-8 are believed to be allowable over the Hosono publication.

#### Claims 10-19

The Examiner rejects claims 10-19 as anticipated by Applicants' prior art Fig. 1. Claim 10 as amended recites, in part, a "floating current mirror including a first transistor and a second transistor." Fig. 1 of the present application discloses a current mirror having transistors M4, M5 each with their sources coupled with VPWR, which is not a floating current mirror. Because Fig. 1 does not disclose a floating current mirror, claim 10 is allowable over Fig. 1.

Because dependant claims 11-19 depend from and further limit independent claim 10, claims 11-19 are also allowable over Fig. 1.

#### RESPONSE TO CLAIM REJECTIONS UNDER 35 U.S.C. SECTION 103

The Examiner rejected claims 5 and 7-9 as obvious in view of the Hosono publication. Claim 5 is allowable because it depends from and further limits claim 1, which is believed to be allowable. Claims 7-9 are allowable because they depend from and further limit independent claim 6, which is believed to be allowable.

#### CONCLUSION

In view of the above, claims 1-3 and 5, 6-9 and 10-19 remain in the application and are believed to be allowable.

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Reply to Office Action of October 13, 2005

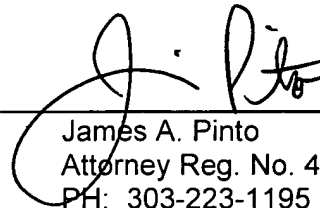
Payment for the three-month extension of time is enclosed herewith. If the Examiner has any questions, please contact the undersigned.

Respectfully submitted,

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